

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERIE DIVISION

ABBY B. CONLEY,	:	JURY TRIAL DEMANDED
Plaintiff	:	
	:	
VS.	:	
	:	
COUNTY OF ERIE, ERIE COUNTY	:	
OFFICE OF CHILDREN AND YOUTH,	:	
a/k/a ERIE COUNTY CHILD WELFARE	:	ELECTRONICALLY FILED
SERVICE, RICHARD SCHENKER,	:	
individually and in his capacity as County	:	
Executive of Erie County, Pennsylvania, :	:	
PETER CALLAN, individually and in his	:	
capacity as Erie County Director of Personnel,	:	
DEBRA LIEBEL, individually and in her	:	
capacity as Executive Director, Erie County	:	
Office of Children and Youth, a/k/a Erie	:	
County Child Welfare Service and JOHN A.	:	CIVIL ACTION NO. 05-76E
ONORATO, ESQUIRE, individually and in	:	
his capacity as Erie County Solicitor	:	
Defendants	:	

PLAINTIFF'S SECOND MOTION TO EXTEND DISCOVERY

NOW COMES the plaintiff, Abby B. Conley, by and through her attorneys, Timothy D. McNair, Esquire, and Anthony Angelone, Esquire, and, respectfully moves this Honorable Court for an extension of Discovery in the above captioned case, respectfully representing:

1. Discovery in this case was initially to be concluded by October 3, 2005.
2. By Order dated September 21, 2005, the Court, on Plaintiff's Motion, extended Discovery to December 2, 2005.

3. The deposition of John Onorato was originally scheduled for September 28, 2005, but was canceled because Plaintiff did not receive any of her requested Discovery from Defendant County of Erie.

4. Plaintiff has served Discovery on the County of Erie which must be reviewed prior to taking depositions of County employees. It was anticipated that, with a timely response, Plaintiff could schedule and conclude depositions of the County Employees in November. Although responses to Discovery were due on October 28, 2005, no responses have yet been served and Plaintiff has not been informed, after discussion with counsel for the County, Edmond Joyal, Esquire, when the responses may be expected.

5. Mark R. Lane, Esquire, Counsel for John M. Onorato, has indicated that he is not available for Onorato's deposition at any time during the month of November and didn't provide any dates in the month of November for Onorato's deposition. By implication, attorney Lane was also unavailable for depositions of the County employees during that month.

6. Discovery, under the Amended Discovery Order, is to close December 2nd. Plaintiff will not be able to conduct sufficient discovery by that date due to the failure of the Defendants to be available for the deposition or to provide responses to Discovery requests, all of which are now overdue.

7. Plaintiff is requesting that the Pre-Trial Order be extended by an additional 60 days so that she can either prosecute Motions to Compel or receive the responses and schedule the necessary depositions.

8. Attached hereto is an email from Attorney Lane confirming that he will not

schedule any depositions in the month of November. Included in that email is Plaintiff's counsels's request to Attorney Joyal dated November 1st regarding the Discovery responses, to which no response was received until plaintiff's counsel initiated a telephone conversation on November 8th.

WHEREFORE, Plaintiff respectfully moves this Honorable Court for extension of the Pre-Trial Order by 60 days.

Respectfully submitted,

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